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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,372	10/19/2001	Lawrence A. Wolfram	4239-61302	6866

7590

03/04/2003

KLARQUIST SPARKMAN, LLP
One World Trade Center, Suite 1600
121 SW Salmon Street
Portland, OR 97204

EXAMINER

NICHOLS, CHRISTOPHER J

ART UNIT

PAPER NUMBER

1647

DATE MAILED: 03/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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12

DATE MAILED:

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Commissioner of Patents and Trademarks

Dear Josie,

I apologize for any problems caused by the missing papers. Paper No. 12 (4 March 2003) sets forth these issues:

1. Acknowledging your full response to Paper No. 10 (8 November 2002) for Restriction/Election.
2. Group I (claims 1-37 and 49-56) will be examined including both SEQ ID NO: 36 AND SEQ ID NO: 37.
2. The instant application is not in sequence compliance (see Raw Sequence Listing Error Report).
3. The date for response to Paper No. 12 (4 March 2003) is:

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.
CJN

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher James Nichols, Ph.D. whose telephone number is 703-305-3955. The examiner can normally be reached on Monday through Friday, 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz, Ph.D. can be reached on 703-308-4623. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9307 for After Final communications. The fax phone numbers for the customer service center is 703-872-9305

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

CJN

March 12, 2003

12



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

12

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Commissioner of Patents and Trademarks

Applicant's election with traverse of Group I (claims 1-37 and 49-6), Group Y (SEQ ID NO: 36), and Group i (tags) in Paper No. 11 (14 January 2003) is acknowledged. The traversal is on the ground(s) that all Groups should be examined together. This is not found persuasive because each invention in Groups I-IV represents a separate and distinct invention. Examination of all four groups presents an undue burden on the Examiner. In terms of the second restriction requirement between Groups A-H, U-Z, AA, BB, and CC each group represents a distinct and independent sequence that requires its own individual and non-coextensive search thus presenting a search burden on the Examiner. Concerning the third restriction requirement, Group i-iv, again, each invention in Group i-iv represents a separate and distinct invention. Examination of all four groups presents an undue burden on the Examiner. The Applicant further requests that SEQ ID NO: 37 (Group Z) be rejoined with Group Y for examination because SEQ ID NO: 37 encodes the polypeptide of SEQ ID NO: 36. This is found persuasive as it fulfills the delineation of Group I set for in the previous office action Paper No. 10 (8 November 2002). Thus, claims 1-37 and 45-56 will be examined to the extent that they read on a functional TGF-b family fusion protein, isolated nucleic acid molecule, vectors, and host cells comprising same (including SEQ ID NO: 36 and SEQ ID NO: 37). Claims 38-48 have been cancelled. The requirement is still deemed proper and is therefore made FINAL.

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Correction is required.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Nichols, PhD whose telephone number is 703-305-3955. The examiner can normally be reached on Monday through Friday, 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz, PhD can be reached on 703-308-4623. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9307 for After Final communications. The fax phone numbers for the customer service center is 703-872-9305

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

CJN
March 3, 2003

YVONNE EYLER, PH.D
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

**NOTICE TO COMPLY WITH REQUIREMENTS FOR
PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID
SEQUENCE DISCLOSURES**

Application No.

10/017,372

Examiner

Christopher Nichols, Ph.D.

Applicant(s)

WOLFRAIM ET AL.

Art Unit

1647

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☒ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: See attached form.

Applicant Must Provide:

- ☒ A substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ A substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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March 12th
2003